

In the Matter of Merchant Mariner's Document No. Z-438014 and All
Other Seaman Documents
Issued to: JOR MOK

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1017

JOR MOK

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 1 May 1957, an Examiner of the United States Coast Guard at New York, New York revoked Appellant's seaman documents upon finding him guilty of misconduct. Two specifications allege that while serving as pantryman on board the American SS SANTA MARGARITA under authority of the document above described, on or about 17 April 1953, Appellant wrongfully received, concealed and possessed unlawfully imported heroin.

Appellant entered pleas of guilty to the charge and two specifications. The Investigating Officer submitted certified copies of the record of Appellant's conviction in a United States District Court for the unlawful possession of narcotic drugs. Counsel made a statement in mitigation on behalf of Appellant and offered a letter from the U.S. Public Health Service stating that Appellant had been cured of narcotic addiction. The Examiner concluded that the charge and two specifications had been proved by plea. An order entered revoking all documents issued to Appellant.

The decision was served on 3 May 1957. Appeal was timely, filed on 16 May 1957.

FINDINGS OF FACT

On 17 April 1953, Appellant was serving as pantryman on board the American SS SANTA MARGARITA and acting under authority of his Merchant Mariner's Document No. Z-438014 while the ship was in the port of New York City.

On this date, Appellant knowingly received, concealed and possessed approximately 207 grains of heroin and adulterants, as well as about 5 grains of crude opium. Appellant knew that these narcotic drugs had been imported into the United States contrary to law.

On 12 August 1953, Appellant was convicted for these offenses on his plea of guilty before the United States District Court for the Southern District of New York and sentenced to two years' imprisonment. Execution of sentence was suspended conditional upon Appellant's voluntary surrender for treatment of drug addiction. Appellant entered the U.S.P.H.S. Hospital at Lexington, Kentucky on 25 August 1953 and was discharged as cured on 6 January 1954. Appellant has made a satisfactory adjustment since his release from the hospital.

Appellant's document has been held by the Coast Guard since 17 April 1953, the date of the above offenses. Appellant was brought to a hearing on these charges as a result of his application for a duplicate document in 1957.

Appellant has no prior record with the Coast Guard during 15 years at sea.

This Appeal has been taken from the order imposed by the Examiner. Appellant contends that the Coast Guard should have instituted proceedings against Appellant's document at an earlier date after the offenses in 1953. If this had been done, the three-year waiting period required by the regulations would be completed by this time.

Appearances: Jackson G. Cook, Esquire, of New York City, of Counsel

OPINION

In view of the long delay in bringing this case to a hearing and Appellant's apparent good behavior in the interim, Appellant will not be required to await the three-year period to apply for the issuance of a new document in accordance with 46 CRF 137.03-30(a). Appellant may make application to the Commandant (MVP) at this time, but there is no assurance that the action taken on such an application will be favorable to Appellant. See Commandant's Appeal No. 959.

ORDER

The order of the Examiner dated at New York, New York, on 1 May 1957, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 10th day of April, 1958.